

Legal Department
620 Eighth Avenue
New York, NY 10018

tel 212.556-4445
fax 212.556-4634
Christopher.Thee@nytimes.com

Kenneth A. Richieri
Senior Vice President
& General Counsel

Juliette L. Blake
Diane Brayton
George Freeman
Marcijane Kraft
David E. McCraw
Lee K. Riffaterre
Richard S. Samson
Deirdre Sullivan
Eunice Yang
Alison C. M. Zoellner

December 22, 2011

VIA Email: tracky@upitup.com; hostmaster@lundl.de

Mr. Dennis Knopf
101 Senefelderstr
Stuttgart DE 70176

Re: Infringing Use of *New York Times* Material
on NYTIMES-ARTS.COM and Infringing Domain Name

Dear Mr. Knopf:

I am with the Legal Department of The New York Times Company. Continuously for more than one hundred fifty years, The Times has published the world famous newspaper *The New York Times*. We are the owner of U.S. Registration No. 227,904 for our trademark “The New York Times” (the “Trademark”), which registration is now incontestable.

It has come to my attention that you have posted on your web site at:

<http://www.nytimes-arts.com/2011/12/01/interview-with-tracky-birthday/>

what appears to be an interview in the ArtsBeat section of nytimes.com: the page is headed with the world-famous Trademark and copies the format of the ArtsBeat page exactly, right down to the advertisements. Not only has the copyright-protected format of the page been copied, but so have many photographs and other proprietary content. The clear intent of your website is to mislead readers into believing that this is an actual page on NYTimes.com (and you admit as much in the text of the interview). Finally, your registration and use of the domain name “nytimes-arts.com” infringes on our rights in the federally-registered trademarks NYTimes (Reg. No. 3,934,613) and NYTimes.com (Reg. No. 3,934,612) and deliberately confuses readers that your site is associated with NYTimes.com.

Accordingly, we hereby demand that you immediately take down this site, assign the domain name registration to us and cease and desist from any further use of any *New York Times* content in any manner whatsoever.

Mr. Dennis Knopf
December 22, 2011
Page 2

If you have not taken down the website within three (3) business days of receipt of this letter, we will have no choice but to pursue all available legal remedies. The demands made herein shall not prejudice or waive any rights or remedies that The Times may have in respect of the subject matter set forth herein, all of which rights and remedies are hereby expressly reserved.

Sincerely,



Christopher Thee

cc: Richard Samson, Esq.